

**MINUTES  
FOR THE REGULAR MEETING  
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD  
Docket No. 5480**

**1. Opening of Meeting:**

The Appeals Board convened at 10:30, April 10, 2007 in Sacramento, with Chair Ann M. Richardson presiding.

**2. Roll Call: Members**

**Present**

**Absent**

Ann Richardson, Chair  
Terri Carbaugh, Vice Chair  
Jack Cox  
Liz Figueroa  
Cindy Montañez  
Fred Aguiar

X  
X  
X  
X  
X  
X

**3. Approval of the Minutes:**

The March 13, 2007 minutes were approved by all members.

**4. Chair's Report:**

Chair Richardson reported that she and Members Aguiar and Carbaugh had the privilege of going before the Senate Rules Committee for confirmation. They were voted out of committee unanimously, and they are very proud to represent the Agency. Chair Richardson thanked Cathy Vandeleur, Pat Loudon, Cary Meade, and Aida Zavala for their assistance with the preparatory paperwork, and also all of Senior Staff for their knowledge and advice.

Member Aguiar thanked Chair Richardson for her hard work and leadership in representing the Board.

Chair Richardson thanked ALJ Marti Geiger for her ongoing efforts to train the Board Members.

**5. Board Member Reports:**

Vice-Chair Carbaugh added her agreement with both Chair Richardson and Member Aguiar.

Member Montañez stated her congratulations to the Members receiving Senate Rules confirmation.

## **6. Chief Administrative Law Judge/Executive Director's Report:**

Executive Director/Chief Administrative Law Judge Jay Arcellana, on behalf of his colleagues with Senior Staff, their respective branches and field operations, congratulated the three Board Members for passage out of the Senate Rules Committee.

Executive Director Arcellana reported the following items of interest:

- He and Member Figueroa visited the Los Angeles Office of Appeals. The meeting was very pleasant and informative.
- The PALJs quarterly meeting was conducted during the last week in March, and the quarterly meeting for the support supervisors will take place next week.
- Three PALJs participated in EEO training put on jointly by Fair Employment and Housing and the EEO Commission. The purpose of the training is to qualify those PALJs as fact finders in discrimination matters.
- CUIAB received a Department of Labor invitation for proposals to fund IT security measures. The Agency was awarded a \$100,000 grant last year, and plans to submit a proposal this year for software and hardware enhancements.
- Three judges have given notice that they will be retiring this year sometime prior to June. The judges are located in Oxnard, Inland and Inglewood.
- ALJ Fred Reinhart, who worked for the Agency for 20 years in both the Oakland Office of Appeals and the Sacramento Office of Appeals, passed away from lung cancer.

## **7. Branch Reports:**

a. Executive Director/Chief Administrative Law Judge Jay Arcellana presented Workload Reports via PowerPoint presentation. (Attachments A & B)

Chair Richardson noted at the completion of the presentation that the Agency is actually exceeding the May revise predictions. Executive Director Arcellana responded that he expects a modest surplus.

Executive Director Arcellana summarized what goes into putting the workload reports together, and what the Agency does to manage the workload. Appeals by the parties are submitted to EDD, which electronically transmits them to our local appeals offices based upon a zip code sort. Zip code sort is used by the Agency to move work from location to location to balance the workload between offices. The offices verify the appeals information received from EDD with the CATS database. During this process there is a continual dialog in order to compile mid-month and month-end numbers so that planning decisions can be made. The first number collected is the number of cases in-route from EDD, which helps us regulate workload based on the amount of work coming from EDD. Another number, unverified cases, tells us if the offices are behind in their workload, or if they are

lacking in workload. These numbers determine short term staffing needs. The number of un-calendared cases, and how far out the cases are calendared, helps us to project how many cases we can produce over the next month. We contrast that against the inventory to determine if the system is in balance. We check with offices to determine if they are doing any team calendars so that we can gear up the support staff for the additional caseload. We also ask for information on which employees were loaned or borrowed, to get a sense of how the local offices are doing and where help may be needed. Offices notify the Executive Director of issues related to personnel, workload, facilities and equipment. Goals and objectives are requested for the next month from each office as well as for the next quarter so that performances can be tracked to ensure that performances are in line with projections. We prefer that the offices have two weeks of un-calendared cases in order to maintain balance between issuing decisions timely and not running out of work.

Chair Richardson asked if we keep track of how many times the zip code sort is switched, and which offices typically fall behind in cases, so that staffing can be adjusted. Executive Director Arcellana responded that the agency does so. Chair Richardson also inquired if the switching of zip codes happens at the EDD level before the appeal gets to the local office. Executive Director Arcellana affirmed that it does.

Executive Director Arcellana continued, stating that the summary so far represents the income side of the ledger. On the expenditure side of the ledger, staffing levels and personnel costs represent the most significant costs. The target staffing ratio is 1 to 1 ½ support staff to every judge.

Most of these facts and figures are ultimately reflected in monthly reports provided to EDD, DOL, and Department of Finance, which entities also generate their own reports that we can use to check to ensure our numbers balance. The data we send includes the case aging numbers, the workload statewide summary of registrations and dispositions, the effect on appellate interest, decisions by issues, and time-lapse measures.

Chair Richardson asked if the agency has heard back from DOL on the case aging issue. Executive Director Arcellana responded that we have not.

Executive Director Arcellana continued to comment that every office is different, depending upon the chemistry of the staff, the size of the office, all of which is taken into account in terms of a management philosophy. Each office is independent, with much responsibility placed at the local level, but the offices still need to maintain communication to make sure everything remains on track. Weekly and quarterly meetings are encouraged for the PALJs and supervisory support staff.

Member Figueroa asked how we would be notified if a major employer was going to engage in a significant closure or layoff.

Executive Director Arcellana responded that the employer would contact EDD, which meets with the employer and analyzes the situation, including the number of employees affected, and whether a trade dispute is involved. EDD then sends notices to their local offices, the employer, and to the CUIAB. Since the CUIAB is notified well in advance, we can shift resources, plan on mass calendars, or take other appropriate action as indicated.

Chair Richardson recommended that AO give the Board a refresher course on mass layoff, WARN Act, with which Executive Director Arcellana agreed.

Vice-Chair Carbaugh asked, regarding zip code switching, whether claimants or employers have an opportunity to stay within their region if there are transportation problems. Executive Director Arcellana responded that the zip code sorting is done only along office borders, so the distance changes are minimal.

Chair Richardson inquired if the distances were contiguous to a radius. Executive Director Arcellana responded that they are contiguous, but that the radius is done around that contiguity.

**b.** Deputy Chief ALJ, Appellate Operations Steve Angelides reported registration of 1,531 cases in March, a 53% increase over the 1,002 cases registered in February. The question is whether this was just a one month increase as in 2006, or whether it will kick off a spike for two or three months or more as occurred in 2004 and 2005.

In March ALJ assignments had to be reduced by a case or two in some weeks because there were not enough cases ready for assignment due to several prior months of low registrations. As a result just 1,104 cases were disposed of in March. Fortunately the drop in dispositions coincided with the training period for the three new Board Members, and the new members should now be ready for the increase in dispositions anticipated in the coming months.

At the end of March the balance of open cases stood at 1,981 cases, a 28% increase from February, and the most open cases since September 2006, so reduced ALJ assignments are not anticipated again in the near future.

In March the average case age rose only slightly, from 32 to 35 days, but as the cases age over the next few months, we anticipate a significant increase in the average case age, perhaps even getting up over 40 days, the new standard being considered by DOL.

In March one supervisor and two support staff from our registration unit left for other positions or retired. AO has covered these departures with Central Transcription Unit staff, for which we are thankful.

Other events: Tomorrow afternoon the "Wholly Macros" project team will meet. This project will use macros to make decision preparation resources available to

decision typists and to ALJ's who wish to type their own decisions. The next AO ALJ meeting is scheduled for May 16. As usual, Board Members are welcome.

Chair Richardson commended Member Aguiar for making the recommendation that the case aging date be put on the Panel Approval Forms.

c. Deputy Director, Administrative Services Branch Pam Boston reported that Business Services completed the move into the new Redding hearing facility, which provides us with two hearing rooms. We have been using EDD space for the prior three years, with just one hearing room. In Santa Barbara we also moved into a new hearing facility to replace the Goleta facility. The Santa Barbara space is a shared space with EDD.

Deputy Director Boston reported that Business Services is moving forward with the roll out of a new courier service contract with Golden State Overnight, with service to begin next week. The contract replaces the USPS First Class Mail Service.

Deputy Director Boston reported that the Personnel Division is currently working on promotional exams for Assistant Information System Analyst, Office Tech, and Associate Information Systems Analyst.

Deputy Director Boston also welcomed a new staff member, Aldo Garcia, who was an Office Technician in the Pasadena Office of Appeals. He will be helping with Southern California IT issues.

d. Deputy Director, Planning and Program Management Branch Mary Walton-Simons reported that the revised hearing information pamphlet for UI and DI cases is now officially being used in the offices of appeals, effective April 2<sup>nd</sup>. The tax hearing information pamphlets, one for the Field Operations tax cases and one for the Field Operations Headquarters tax cases, are currently at EDD Publications Center for printing and distribution. She thanked staff in the P & PM Branch for their hard work on these pamphlets, and other Agency staff for assisting in the Spanish translation of the pamphlets.

Chair Richardson commended Deputy Director Mary Walton-Simons for the outstanding job done on the information hearing pamphlets.

## **8. Chief Counsel's Report:**

Chief Counsel Ralph Hilton reported that there were seven new cases filed last month. Seven cases were also closed in March, one of which was a reversal of the Board decision. That case was a late appeal which the Court remanded back for the Board to consider on the merits. The Board was affirmed in the other six cases that were closed.

Regarding Board Member workload, the new members are almost fully trained, which means their caseloads will be increasing next month.

**9. Unfinished & New Business:**

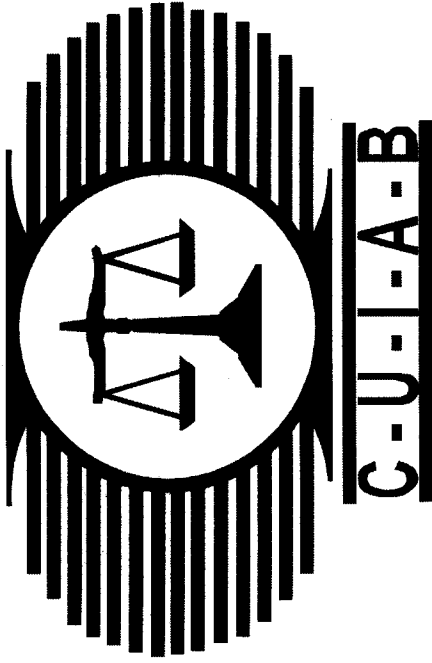
There was no unfinished or new business.

**10. Public Comment:**

There was no public comment.

**11. Closed Session:**

The regularly scheduled Board meeting adjourned, and there was no closed session.



# UI and DI WORKLOAD COMPARISONS

## *Revised Actuals*

# FIELD OPERATIONS WORKLOAD REPORT FOR MARCH

| PROGRAMS                       | VERIFICATIONS | DISPOSITIONS  | BALANCE       |
|--------------------------------|---------------|---------------|---------------|
| UI                             | 23,079        | 23,717        | 24,934        |
| DI                             | 2,006         | 1,897         | 1,946         |
| TAX                            | 178           | 226           | 2,188         |
| <b>SUBTOTAL</b>                | <b>25,263</b> | <b>25,840</b> | <b>29,068</b> |
| (All Programs)<br><b>TOTAL</b> | <b>25,922</b> | <b>26,509</b> | <b>32,262</b> |



# **UI and DI Workload Comparisons - Revise Projections vs. Actuals**

Through March 2007

## **MAY 2006 REVISE - PROJECTIONS**

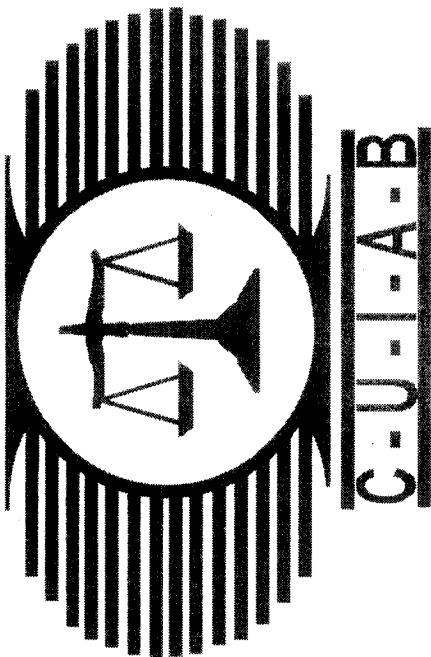
|              | July          | Aug           | Sept          | Oct           | Nov           | Dec           | Jan           | Feb           | Mar           | April         | May           | June          | Total          |
|--------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|----------------|
| UI           | 19,870        | 19,870        | 19,870        | 18,960        | 18,960        | 18,960        | 20,467        | 20,467        | 20,467        | 19,067        | 19,067        | 19,067        | 235,092        |
| DI           | 1,923         | 1,923         | 1,923         | 1,690         | 1,690         | 1,690         | 2,010         | 2,010         | 2,010         | 1,990         | 1,990         | 1,990         | 22,839         |
| <b>TOTAL</b> | <b>21,793</b> | <b>21,793</b> | <b>21,793</b> | <b>20,650</b> | <b>20,650</b> | <b>20,650</b> | <b>22,477</b> | <b>22,477</b> | <b>22,477</b> | <b>21,057</b> | <b>21,057</b> | <b>21,057</b> | <b>257,931</b> |
| <b>QTR</b>   |               | <b>65,379</b> |               |               | <b>61,950</b> |               |               | <b>67,431</b> |               |               | <b>63,171</b> |               | <b>257,931</b> |

## **OCTOBER 2006 REVISE - PROJECTIONS**

|              | July          | Aug           | Sept          | Oct           | Nov           | Dec           | Jan           | Feb           | Mar           | April         | May           | June          | Total          |
|--------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|----------------|
| UI           | 20,800        | 20,800        | 20,800        | 18,967        | 18,967        | 18,967        | 17,967        | 17,967        | 17,967        | 16,967        | 16,967        | 16,967        | 224,103        |
| DI           | 1,829         | 1,829         | 1,829         | 1,734         | 1,734         | 1,734         | 1,615         | 1,615         | 1,615         | 1,716         | 1,716         | 1,716         | 20,682         |
| <b>TOTAL</b> | <b>22,629</b> | <b>22,629</b> | <b>22,629</b> | <b>20,701</b> | <b>20,701</b> | <b>20,701</b> | <b>19,582</b> | <b>19,582</b> | <b>19,582</b> | <b>18,683</b> | <b>18,683</b> | <b>18,683</b> | <b>244,785</b> |
| <b>QTR</b>   |               | <b>67,887</b> |               |               | <b>62,103</b> |               |               | <b>58,746</b> |               |               | <b>56,049</b> |               | <b>244,785</b> |

## **CUIAB 2006-07 DISPOSITIONS - ACTUALS**

|              | July          | Aug           | Sept          | Oct           | Nov           | Dec           | Jan           | Feb           | Mar           | October Revise Projections |               |               | Total          |
|--------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|----------------------------|---------------|---------------|----------------|
|              |               |               |               |               |               |               |               |               |               | April                      | May           | June          |                |
| UI           | 13,805        | 21,841        | 18,509        | 20,969        | 19,592        | 19,022        | 20,712        | 19,758        | 24,716        | 16,967                     | 16,967        | 16,967        | 229,825        |
| DI           | 2,493         | 2,055         | 1,974         | 1,877         | 1,816         | 1,659         | 1,864         | 1,735         | 1,988         | 1,716                      | 1,716         | 1,716         | 22,609         |
| <b>TOTAL</b> | <b>16,298</b> | <b>23,896</b> | <b>20,483</b> | <b>22,846</b> | <b>21,408</b> | <b>20,681</b> | <b>22,576</b> | <b>21,493</b> | <b>26,704</b> | <b>18,683</b>              | <b>18,683</b> | <b>18,683</b> | <b>252,434</b> |
| <b>QTR</b>   |               | <b>60,677</b> |               |               | <b>64,935</b> |               |               | <b>70,773</b> |               |                            | <b>56,049</b> |               | <b>252,434</b> |



# **Managing Our Workload – Behind the Scenes Review**

**I. Appeals are submitted to EDD. They are then electronically transmitted to our local offices from EDD based on the ZIP Code sort controlled by CUIAB.**

- ZIP Code sort is adjustable based on the workload needs of the Offices of Appeals**
- Information is verified by our local offices against the CATS data**
- Cases are then assigned to administrative law judges**

## **II. Mid-Month & Month-End Data are then collected from local offices**

- **Number of cases en route from EDD
  - Cases at EDD which have not been transmitted to CUIAB**
- **Number of cases unverified**
- **Number of cases verified**
- **Number of cases uncalendared**
- **Date through which cases are calendared**

- **Projected cases to be scheduled for hearings the next calendar month**
- **Plans for team calendars (Mass Calendar)**
- **Employees loaned and/or borrowed (support staff and/or ALJs)**
- **Staff changes**
- **New hires and separations**

- **Comments**

- **Goals & Plans**

### **III. Short & Long Term Planning**

**Decisions are then made based on the above data**

- **Information showing uncalendared workload for each office**
  - **Two weeks is preferred; more than two weeks demonstrates that an office is behind; less than two weeks means the office needs more work**
  - **Adjustments are then made**

- **Loaned/Borrowed Report sent to Offices of Appeals which show loaned and borrowed ALJs**
  - **Helps local offices to determine actual, long term staffing needs versus short term temporary needs**
- **Staffing Levels are reviewed**
  - **Staffing reports prepared for the Offices of Appeals**
  - **Ratios based on PY or PE**
  - **ALJ & Non-ALJ Usage Reports**



- **Facility usage reviewed**
- **Monthly recommendations are sent to PJs and LSS IIs**
- **EDD sends monthly report showing UI appeals transmitted**
  - **Check for timely sending of appeals**

## **IV. Month-end reports are then prepared and sent to EDD**

- **DOL Case Aging (average and median age)**
- **Workload Statewide Summary (registrations and dispositions)**
- **Effect on Appellant Interest**
- **Decisions by Issues**
- **Timelapse measures**

# **The Human Factor**

- **Every office is different depending on the chemistry of the staff and size of the office**
- **There is a lot of independence and responsibility placed at the local level**
- **The offices are provided training, cross-training, and assistance from the support branches**
- **Communication is encouraged at all levels**
- **Office visits are scheduled on a regular basis to discuss issues, encourage communication, and to foster an open exchange of ideas**